

# Notice of Allowability

Application No.

09/909,014

Examiner

Steven L. Weinstein

Applicant(s)

KEMENY, EMANUEL S.

Art Unit

1761

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to AMENDMENTS FILED 2/24/03, 4/8/03, 7/10/03, + 11/25/03
2. ☒ The allowed claim(s) is/are 1, 2, 6, 7, 3-5, 8-11 and 16 renumbered claims 1-12, respectively
3. ☒ The drawings filed on 7/10/03 are accepted by the Examiner.
4. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some\* c) ☐ None of the:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).
- \* Certified copies not received: \_\_\_\_\_.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.  
**THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.**

5. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
6. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
- (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
- 1) ☐ hereto or 2) ☐ to Paper No./Mail Date \_\_\_\_\_.
- (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date \_\_\_\_\_.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
7. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

## Attachment(s)

1. ☒ Notice of References Cited (PTO-892)
2. ☐ Notice of Draftperson's Patent Drawing Review (PTO-948)
3. ☐ Information Disclosure Statements (PTO-1449 or PTO/SB/08), Paper No./Mail Date \_\_\_\_\_
4. ☐ Examiner's Comment Regarding Requirement for Deposit of Biological Material
5. ☐ Notice of Informal Patent Application (PTO-152)
6. ☒ Interview Summary (PTO-413), Paper No./Mail Date 6/3/04
7. ☒ Examiner's Amendment/Comment
8. ☐ Examiner's Statement of Reasons for Allowance
9. ☐ Other \_\_\_\_\_

Applicant's substitute specification filed 7/10/03, which is a copy of the original specification as filed, has been accepted.  
The references cited on the USPTO 892 form are cited as additional art of interest.

Steve Weinstein 1761  
STEVE WEINSTEIN  
PRIMARY EXAMINER

EXAMINER'S AMENDMENT

In a telephone conversation with Mr. Kemeny on 6/3/04, the following changes were agreed upon to put the application in condition for allowance. Note that new claim 17 has been added which is claim 1 with the changes that have been agreed to. The rewriting of amended claim 1 as a new claim was done to make it easier to read.

Claim 1 has been cancelled and new claim 17 substituted therefore as follows:

--17. A meal equivalent food bar provides an improved meal replacement food bar as a bar meal, comprising:

(a) a baked, cereal dough based, segmented food bar with transverse dividers which divide the food bar into segments corresponding to the plural courses of a conventional meal including appetizer, main-course, and dessert,

(b) each segment differs from its adjacent segments for contrast in size and at least one ingredient food type, such that:

(1) the segments approximate the contrast in sequential courses of a conventional meal,

(c) each segment comprises:

(1) the baked, cereal based bar-common dough which is common to all segments of the bar meal, and

(2) at least one segment-specific ingredient which is specific to each segment, respectively, to approximate the nutrition and contrast properties of its corresponding course, respectively, in a conventional meal,

(d) the appetizer segment characterized by:

(1) ingredients of quantity and food type to stimulate but not satiate appetite,

(2) positioned at one end of the bar as a first course,

(3) segment marking to identify as appetizer,

(e) the main course segment characterized by:

(1) ingredients of quantity and food type to provide the major nutrients of the meal,

(2) positioned central between the bar ends,

(f) the dessert segment characterized by:

(1) ingredients of quantity and food type to end the meal approximating a conventional meal dessert course,

(2) positioned at the end of the bar opposite the appetizer segment as a last course,

(3) segment marking as a dessert,

(g) said segments to provide a bar meal approximating the courses of a conventional meal in:

(1) value of balanced nutrition,

(2) effect of appetite control,

(3) effect of contrasting sequential courses,

(h) said segmented food bar packaged as a package bar:


clothing,  
consumer,  
(1) dimensioned for convenient portage in an ordinary pocket of  
(2) dimensioned for convenient handling and eating by one individual  
(3) marked for appetizer starting end,  
whereby the consumer eats through the bar meal from appetizer to dessert  
to encounter segments in sequence which approximate a conventional meal in balanced  
nutrition for improved physiologic support, and which approximate the appetite control  
and contrast in sequential courses of a conventional meal for pleasurable psychological  
support for the individual consumer.--;

In claims 2-5, 8-11 and 16, in line 1, "1" has been changed to --17--;

In claim 2, line 5, "predetermind" has been changed to -- predetermined--;

In claim 9, line 2, after "of", -- the -- has been inserted

In claim 16, lines 2 and 5, respectively, "Appetizer" has been changed to --  
appetizer--and "Dessert" has been changed to -- dessert --.

  
STEVE WEINSTEIN  
PRIMARY EXAMINER 1761